

Sixth Appellate District

San Jose, California

MONDAY, MAY 22, 2006

H029167 PEOPLE v. BUTLER

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 22, 2006

H029461 PEOPLE v. RUBIO

By the Court:

On the court's own motion, the submission order dated May 9, 2006, in the above entitled matter is hereby vacated. The matter will be resubmitted upon disposition in People v. Torres (2005) 133 Cal. App.4th 1359 (review granted February 8, 2006) now pending before the California Supreme Court.

Dated: May 22, 2006 Rushing, P.J.

TUESDAY, MAY 23, 2006

H029901 WICHELMAN v. CITY OF SAN JOSE et al.

The appeal is dismissed as taken from a nonappealable order. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 23, 2006

H028110 PEOPLE v. CORONADO

The judgment is modified to stay punishment on count two pursuant to section 654. As modified, the judgment is affirmed. The trial court is directed to send an amended abstract of judgment to the Department of Corrections reflecting the modification. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 23, 2006

WEDNESDAY, MAY 24, 2006

H029262 PEOPLE v. DAVID S.

The judgment is modified so that condition No. 15 now reads as follows: "You shall not possess, wear, use or display any insignia, emblem, button, badge, cap, hat, scarf, bandanna, or any article of clothing, hand sign, or paraphernalia *known to you to be associated with membership or affiliation with a gang, or any item identified by your probation officer as posing a threat to your successful completion of probation.*" (Modification italicized.) As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 24, 2006

Sixth Appellate District

San Jose, California

Wednesday, May 24, 2006 (continued)

H029589 In re K. R.; SAN BENITO COUNTY HRA v. NANCY O.

The order appealed from is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed May 24, 2006

THURSDAY, MAY 25, 2006

H027694 OSBORN v. PISONI

The judgment is reversed. The matter is remanded to the trial court for further proceedings to determine the amount of damages awardable on the fraud causes of action. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed May 25, 2006

H027990 LAUCELLA on Habeas Corpus

The trial court's order granting Laucella's petition for writ of habeas corpus is affirmed and modified to the extent it determined that the Governor's reversal of the Board constituted a violation of Laucella's plea bargain and to the further extent it directed Laucella's release consistent with the Board's grant of parole. On remand, the court shall order the Governor to vacate his January 10, 1993 decision and to conduct a new review of the Board's decision pursuant to his authority under Article V, section 8(b) of the California Constitution and Penal Code section 3041.2, in light of the views expressed herein. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed May 25, 2006

H027278 FOSTER v. KNTV TELEVISION, INC., et al.

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed May 25, 2006

FRIDAY, MAY 26, 2006

H027795 FLORES, et al. v. KENDALL

By the Court*:

Appellants' petition for rehearing is denied.
Filed: May 26, 2006

*Before Premo, Acting P.J., and Elia, J.

Sixth Appellate District

San Jose, California

Friday, May 26, 2006 (continued)

H024142 CDM INVESTORS, et al. v. TRAVELERS CASUALTY AND SURETY CO. et al.

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)
Filed May 26, 2006

H028147 SAN LORENZO VALLEY COMMUNITY ADVOCATES FOR RESPONSIBLE EDUCATION v. SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT

The judgment is affirmed. The District shall recover its costs on appeal. (published)
(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed May 26, 2006

H028579 O'GRADY et al. v. SUPERIOR COURT; APPLE COMPUTER, INC.

Let a writ of mandate issue directing the court below to set aside its order denying petitioners' motion for a protective order and to enter a new order granting that motion. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 26, 2006

H029073 PEOPLE v. DANIEL O.,

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)
Filed May 26, 2006